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4/12/18 1:34 pm
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U.S. BANKRUPTCY
COURT - WDPa

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

CONNIE LYNN RIMER and
MILFORD EUGENE RIMER
Debtor

: Case No. 16-11100-TPA
:
:
:
: Chapter 13
: Related to Claim No. 8-1 and Doc. Nos. 72,
74

ORDER

On February 2, 2018 a ***Notice of Postpetition Mortgage Fees, Expenses, and Charges***, Official Form 410S2, was filed in this case by Ditech Financial, LLC (“Ditech”), regarding Claim No. 8-1 (“Notice”).

In order to meet the minimum standard expected of a *Notice* pursuant to *Rule 3002.1(d)*, and to protect debtors from potential overreaching or unreasonable claims for attorney fees and other expenses [*see generally, Elmer and Teresa Reitz*, Case No. 17-10696-TPA, January 3, 2018 *Order to Show Cause* (Doc. No. 40) and January 30, 2018 *Order* (Doc. No. 45.)], the Court has determined that a Party filing such a *Notice* must make every reasonable effort to include all of the following with the *Notice*:

- (a) A computation of the mortgage fees, expenses, and charges.
- (b) A complete and accurate loan payment history.
- (c) Where attorney, or other professional fees are sought, a description of the services that were provided and the fees charged for those services in a form consistent with *W Pa LBR 2016-1*.
- (d) For all other expenses, a payment receipt or other similar documentation supporting the expenditure.
- (e) After exercising the appropriate due diligence in complying with the foregoing, in the event any of the foregoing cannot be produced, an identification of the reasons for non-production, along with a detailed statement explaining the efforts made in attempting to do so.
- (f) A Declaration affirming the veracity and accuracy of the foregoing.

The Court previously determined that the *Notice* did not have sufficient supporting material to meet the minimum standards of *Fed.R.Bankr.P. 3002.1(d)* and therefore it had to be supplemented or it

would be dismissed. Accordingly, an Order to that effect was entered on February 16, 2018 at Doc. No. 72, and a further Order was entered on March 12, 2018 at Doc. No. 74 dismissing the *Notice* because no supporting material was filed within the time period allowed.

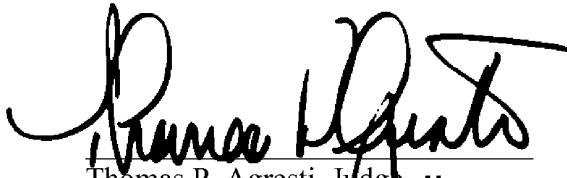
The February 16, 2018 Order was sent to the person who filed the *Notice* on behalf of Ditech, but upon further reflection, the Court now believes that the body of the February 16, 2018 Order itself should also have specifically named Ditech within it so as to provide maximum notice. The Court has therefore decided to vacate the prior Orders and to “reset” the entire process regarding the *Notice*.

AND NOW, this 12th day of *April, 2018*, it is **ORDERED, ADJUDGED** and **DECREED** that,

(1) The Orders previously entered at Doc. Nos. 72 and 74 are **VACATED** and the *Notice* is **REINSTATED**, subject to the further provisions stated herein..

(2) **On or before May 3, 2018 Ditech** shall supplement the *Notice* to comply with the above requirements or it will be **DISMISSED** without further notice or hearing;

(3) The 21-day period provided in *W.P.A.LBR 3002-2(b)* for the Debtor(s) to respond is **STAYED** but will commence to run on the filing of the supplement.



Thomas P. Agresti, Judge **ljm**
United States Bankruptcy Court

c: Ronda Winnecour, Esq., Trustee
Counsel for the Debtors
Debtors
Jerome Blank, Esq.
Tyler Scarborough, Ditech Financial, LLC, P.O. Box 6154, Rapid City, S.D. 57709-6154

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Milford Eugene Rimer, III
 Connie Lynn Rimer
 Debtors

Case No. 16-11100-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: amaz
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 4

Date Rcvd: Apr 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2018.

db/jdb +Milford Eugene Rimer, III, Connie Lynn Rimer, 202 Kennard Road, Greenville, PA 16125-9417
 cr +DITECH FINANCIAL LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

E-mail/Text: bankruptcy.bnc@ditech.com Apr 13 2018 01:26:22 Ditech Financial, LLC,
 Attn: Tyler Scarborough, P.O. Box 6154, Rapid City, SD 57709-6154
 14321944 +E-mail/Text: bankruptcy.bnc@ditech.com Apr 13 2018 01:26:22 Ditech, Attn: Bankruptcy,
 Po Box 6172, Rapid City, SD 57709-6172

TOTAL: 2

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2018 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Connie Lynn Rimer dan@mrdebtbuster.com,
 clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
 Daniel P. Foster on behalf of Debtor Milford Eugene Rimer, III dan@mrdebtbuster.com,
 clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
 James Warmbrodt on behalf of Creditor Ditech Financial LLC fka Green Tree Servicing LLC
 bkgroup@kmlawgroup.com
 Jerome B. Blank on behalf of Creditor The Bank of New York Mellon Trust Company, NA etal
 pawb@fedphe.com
 Jerome B. Blank on behalf of Creditor Ditech Financial LLC fka Green Tree Servicing LLC
 pawb@fedphe.com
 John F. Kroto on behalf of Creditor Ally Financial serviced by Ally Servicing, LLC
 john_kroto@pawb.uscourts.gov, knoxbank@hotmail.com, mwernicki@kmgsllaw.com, burban@kmgsllaw.com
 Mario J. Hanyon on behalf of Creditor Ditech Financial LLC pawb@fedphe.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9